UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,639	01/08/2002	Christopher R. Vincent	POU920010149US1	4287

23334	7590	07/08/2005

FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI
& BIANCO P.L.
ONE BOCA COMMERCE CENTER
551 NORTHWEST 77TH STREET, SUITE 111
BOCA RATON, FL 33487

EXAMINER
GURSHMAN, GRIGORY

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	10/042,639	VINCENT, CHRISTOPHER R.
	Examiner	Art Unit
	Grigory Gurshman	2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _08 January 2002_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-26_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-26_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _08 January 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _1/08/2002_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention recited in claims 19, 22, 25 is directed to non-statutory

subject matter.   The computer instructions recited in the instant claims are non-

statutory per se, because they are not recited as computer executable instructions.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1, 3, 4 , 6-11, 13, 14, 16-19, 21, 22, 24, 25 are rejected under 35

U.S.C. 102(e) as being anticipated by McGarvey (US 2003/0028773 A1).

4.   Referring to the instant claims McGarvey discloses methods, systems and

computer program products for secure delegation using public key authentication (see

title). McGarvey teaches a middle-tier server which impersonates a client to a plurality

of servers. A common nonce associated with each of the plurality of servers is obtained

and the common nonce to the client. The common nonce signed by the client is

received at the middle-tier server and provided as a signature for transactions from the

client to the plurality of servers so as to authenticate the client to the plurality of servers

(see abstract and Fig. 1A).

5.   Referring to the independent claims 1, 14, 17, 19, 25, the limitation "accepting a

request for data from a client computer" is met by pre-nonce request (Fig. 1A). The

limitation "transmitting a partial response to the client computer, wherein the partial

response contains a nonce value" is met by sending a nonce from the server 14 to client

10 (Fig. 1A). The limitation "the nonce value is digitally signed and is used to authorize a

limited number of accesses " is met by signed nonce (see Fig 1A and abstract). The

signed nonce is sent form the remote computer to the middle-tier server, which meets

the limitation of the instant claims, because client sends the signed nonce to receive a

data from the server. The server 14 in Fig. 1 acts as a client and the remote computer

(10) meets the server recited in the instant claims.

McGarvey teaches that the nonce contains a random number, which has an expiration

period (see Fig. 7 block 730), therefore McGarvey inherently teaches the limited number

of accesses authorized by the nonce.

6.   Referring to the independent claims 4, 9, 22, the limitation "request contains a

nonce value which has been digitally signed with a digital signature" is met by a

common nonce signed by the client (se abstract and Fig. 1A). The limitation "verifying

the nonce value, wherein the step of verifying the nonce value comprises the step of verifying the digital signature" is met by Fig. 7 depicting verification of the common nonce signature (block 710). The limitation "returning the data item if the nonce value is valid" is met by sending the data form servers 20-24 to the client (see Fig. 1A).

7.   Referring to the independent claim 11, the limitation "a request message receiver for accepting a request for data from a client computer" is met by nonce processing unit 360 (in Fig. 3). The limitation "a partial response transmitter for transmitting a partial response to the client computer" is met by unit 356 (in Fig. 3).

8.   Referring to claims 7 and 8, McGarvey teaches that nonce values are shared between client and the server, nonce being a common nonce. McGarvey also teaches storing the nonce values (see Fig. 3, block 364).

9.   Referring to claims 3, 6, 13, 16, 21 and 24, McGarvey teaches that the nonce contains a random number, which has an expiration period (see Fig. 7, block 730).

10.   Referring to claims 10, 18 and 26, McGarvey teaches that data and application programs are store in the memory. Therefore, McGarvey inherently teaches that requests are made for data item and computing services.

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 2, 5, 12, 15, 20, 23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over McGarvey (US 2003/0028773 A1) in view of Lincoln (U.S. Patent No.

6.820.201 B1).

13.   Referring to the instant claims McGarvey discloses methods, systems and

computer program products for secure delegation using public key authentication (see

title). McGarvey teaches a middle-tier server which impersonates a client to a plurality

of servers. A common nonce associated with each of the plurality of servers is obtained

and the common nonce to the client. The common nonce signed by the client is

received at the middle-tier server and provided as a signature for transactions from the

client to the plurality of servers so as to authenticate the client to the plurality of servers

(see abstract and Fig. 1A).   McGarvey, however, does not explicitly teach charging an

entity upon use of the nonce.

14.   Referring to the instant claims, Lincoln discloses a system using information-

based indicia for securing and authenticating transactions (see abstract and Fig. 3a, b).

The system of Lincoln includes one or more computers configured to receive as input a

nonce number from the user's nonce stamp; to encrypt the nonce number; and to

provide to the user a digital certificate including the encrypted nonce number, such that

the nonce stamp and the digital certificate may collectively be presented as an

information-based indicium to authenticate the desired transaction (see column 3, lines

18-27).   In some applications the computers may not be configured to charge the user

prior to providing the digital certificate, and instead the user may be charged (such as

through a banking system) after the certificate/nonce stamp pair is negotiated (see column 3, lines 18-27). Therefore, at the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the system of McGarvey, which uses the common nonces transmitted between the client and the server, by charging the client upon use of the nonce value as taught in Lincoln. One of ordinary skill in the art would have been motivated to modify the system of McGarvey, which uses the common nonces transmitted between the client and the server, by charging the client upon use of the nonce value as taught in Lincoln for charging the use per each transaction (see Lincoln, column 3, lines 18-27).

Conclusion

15.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 2001/0046862 A1 to Coppinger et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grigory Gurshman whose telephone number is (571)272-3803. The examiner can normally be reached on 9 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571)272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
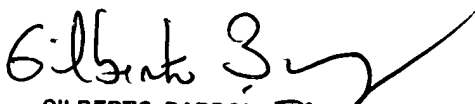
Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Grigory Gurshman
Examiner
Art Unit 2132

GG

GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100